

**REMARKS**

This paper is being filed in response to the Office Action mailed October 23, 2004. Claims 1-36 are pending in the application. Independent claims 1, 13 and 25 have been amended. Claims 7-12, 19-24 and 31-36 have been cancelled without prejudice.

A "Request For Extension Of Time" for extending the due date for responding to the Office Action by one month and a credit card payment form (PTO-2038) to cover the fee payment for the extension (\$110) are being filed with this Amendment. Authorization is also granted to charge our deposit account no. 18-1644 for any additional fees necessary for entry of this Amendment.

The Examiner has acknowledged applicant's claim for foreign priority based on an application filed in Japan and but noted that a certified copy of such application has not yet been filed. A letter enclosing certified copies of the priority documents was mailed on November 4, 2003 with mail certification. Entry of the claim for priority and acknowledgement of receipt of such document is accordingly requested.

The Examiner has objected to applicant's title as being not descriptive. Applicant has amended the title to read "CAMERA CAPABLE OF CHANGING THE NUMBER OF IMAGE FILES STORED IN A CURRENT DIRECTORY ACCORDING TO AN IMAGE PICKUP MODE." The amended title is believed to be clearly indicative of the invention to which the claims are directed.

The Examiner has rejected applicant's claims 1, 13 and 25 under 35 U.S.C. § 103(a) as being unpatentable over conventional digital cameras. The Examiner has rejected applicant's claims 2-4, 14-16 and 26-28 under 35 U.S.C. § 103(a) as being unpatentable over conventional digital cameras in view of May et al. (U.S. Patent Application Publication No. US

2003/0095193 A1). The Examiner has rejected applicant's claims 5-6, 17-18 and 29-30 under 35 U.S.C. § 103(a) as being unpatentable over conventional digital cameras in view of applicant's admitted prior art. Lastly, the Examiner has rejected applicant's claims 7-12, 19-24 and 31-36 under 35 U.S.C. § 103(a) as being unpatentable over applicant's admitted prior art in view of the May et al. publication. In view of the cancellation of applicant's claims 7-12, 19-24 and 31-36, the Examiner's rejections thereto are rendered moot. With respect to applicant's remaining claims, as amended, the Examiner's rejections are respectfully traversed.

Applicants' independent claims 1, 13 and 25 have been amended to more clearly define the present invention. Independent claims 1, 13 and 25 are directed to an electronic still camera and corresponding method and storage medium for storing a program, respectively, for selecting a desired image pickup mode from among a plurality of kinds of image pickup modes, and, when the image pickup mode selected is a predetermined image pickup mode, allowing to store the image files in a current directory even if the number of image files stored in the current directory exceeds the predetermined number. Applicant's claims 1, 13 and 25 have been amended to further recite that when the image pickup mode selected is another mode, the camera forbids to store the image files which exceed the predetermined number in the current directory.

The structure of the present invention permits storage of a different number of image files in a current directory depending on whether a desired image pickup mode has been selected. For example, as described in applicant's specification with respect to Figure 2, at step S110, if the number of image files existing in a current directory exceeds 50, the flow proceeds to step S111.

At step S111, if the combination image flag is set to 1, indicating that the panorama joining image pickup mode has been selected, the flow proceeds to step S112, and the image file is stored in the current directory regardless of the number of files existing in the current directory.

If the combination image flag is set to 0, indicating that another image pickup mode has been selected, the image file is not stored in the current directory. (Application pg. 19, line 23-pg. 20, line 12). With the structure of the present invention, in the case of certain image pickup modes, such as panorama joining image pickup mode or continuous shooting mode, in which a series of image files is stored in the same directory, the retrieval and rearrangement of image files can be easily performed, providing an ease-of-use electronic still camera. Such a construction is not taught or suggested by the state of the art or by the references cited by the Examiner.

The Examiner argues with respect to claim 1:

"...conventional digital cameras are capable of storing in one directory a predetermined number of image files, each of which is formed from data of an image picked up by image pickup means, ...conventional digital cameras comprise a selection means for selecting a desired image pickup mode from among a plurality of kinds of image pickup modes and a control means for, when the image pickup mode is selected is a predetermined image pickup mode, storing an image file in a current directory even if the number of image files stored in the current directory exceeds the predetermined number ...conventional digital cameras are capable of storing a number of digital images in memory which is mainly limited by the size of the memory, and ...a predetermined number could be defined to be less than the maximum number of images which the memory is able to store, therefore, in a case when the predetermined number has been reached and another picture is taken, the picture would be stored in the current folder of the conventional digital camera, even though the predetermined number has been reached... the predetermined number in claim 1 is not defined to be a limit of any kind and... all image pickup modes could be defined to be 'a predetermined image pickup mode'."

The Examiner's arguments are essentially repeated with respect to independent claims 13 and 25. As noted above, applicant's claims 1, 13 and 25 have been further amended to recite that when the image pickup mode selected is a predetermined image pickup mode, [the camera] allows to store the image files in a current directory even if the number of image files stored in the current directory exceeds the predetermined number, and when the image pickup mode

selected is another mode, [the camera] forbids to store the image files which exceed the predetermined number in the current directory.

According to the Examiner, a conventional digital camera may store more than a predetermined number of image files in the current directory if the predetermined number is defined as less than the maximum number of files that the memory is able to store in the directory. The Examiner also states that all image pickup modes in a conventional camera could be defined to be a predetermined image pickup mode. In contrast, the camera taught by the present invention either allows storage of image files in the current directory even if the number of image files in the current directory exceeds the predetermined number, or forbids such storage of more than a predetermined number of image files in the current directory, depending on whether the selected image pickup mode is a predetermined image pickup mode or another image pickup mode. Applicant respectfully submits that nothing is taught or suggested by conventional digital cameras of a control unit that differs the storable number of image files in a current directory according to whether a predetermined image pickup mode is selected or not.

Applicant's claims 1, 13 and 25, in calling for allowing to store the image files in a current directory even if the number of image files stored in the current directory exceeds the predetermined number when the image pickup mode selected by said selection unit is a predetermined image pickup mode, and forbidding to store the image files which exceed the predetermined number in the current directory when the image pickup mode selected by said selection unit is another mode, thus patentably distinguish over conventional digital cameras. The applicant's admitted prior art and the May et al. published patent application add nothing to change this conclusion.

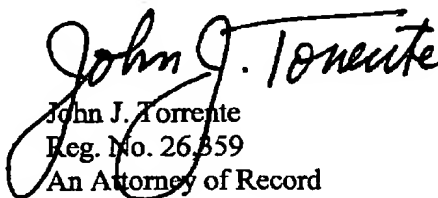
In view of the above, it is submitted that applicant's claims, as amended, patentably

distinguish over the state of the art and the cited art of record. Accordingly, reconsideration of the claims is respectfully requested. If the Examiner believes that an interview would expedite consideration of this Amendment or of the application, a request is made that the Examiner telephone applicant's counsel at (212) 682-9640.

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Respectfully submitted,

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